UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:16-cv-387-GCM (3:97-cr-2-RJC-1)

WILLIAM LANCE MORGAN,)	
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Petitioner,)	
VS.)	ORDER
ANAMED COLUMNICA)	
UNITED STATES OF AMERICA,)	
Respondent.)	
)	

THIS MATTER is before the Court on the Government's Motion to Stay Proceedings on Motion Under 28 U.S.C. § 2255, (Doc. No. 15).

Petitioner filed a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255 raising a challenge to his conviction for violating 18 U.S.C. § 924(c) pursuant to Johnson v. United States, 576 U.S. 591 (2015). (Doc. No. 1). The Court stayed this matter for several years pending the Fourth Circuit Court of Appeals' consideration of United States v. Ali, No. 15-4433. (Doc. No. 6). The Court lifted the stay after the United States Supreme Court decided United States v. Davis, 139 S.Ct. 2319 (2019). (Doc. No. 11). However, the case was subsequently stayed pursuant to United States v. Taylor, 19-7616. (Doc. No. 14).

The Fourth Circuit has now issued its decision in <u>Taylor</u> in which it concluded that attempted Hobbs Act robbery is not categorically a crime of violence under § 924(c)'s force clause. 979 F.3d 203, 210 (4th Cir. 2020). However, the Government asks the Court to continue to stay these proceedings until the deadline for filing a certiorari petition in <u>Taylor</u> expires, ¹ the

¹ An extended 150-day deadline applies to a filing of a certiorari petition due to COVID-19.

Solicitor General of the United States files a petition for writ of certiorari, or the United States acquiesces in a petition filed in another matter presenting the issue of whether an attempted Hobbs Act robbery qualifies as a crime of violence under the § 924(c) force clause. Counsel for Petitioner does not oppose the stay. (Doc. No. 15 at 2).

The Court finds that a continued stay of these proceedings is in the interest of justice and judicial economy. The Government shall promptly notify the Court of the United States' filing of a petition for certiorari in <u>Taylor</u>, the filing of a petition for writ of certiorari in <u>Taylor</u>, or the United States' acquiescence in a petition presenting the same issue as <u>Taylor</u>, whichever occurs first.

IT IS, THEREFORE, ORDERED that:

- The Government's Motion to Stay Proceedings on Motion Under 28 U.S.C. §
 2255, (Doc. No. 15), is **GRANTED**.
- The Government shall promptly notify the Court of the United States' filing of a
 petition for certiorari in <u>Taylor</u>, the filing of a petition for writ of certiorari in
 <u>Taylor</u>, or the United States' acquiescence in a petition presenting the same issue
 as Taylor, whichever occurs first.

Signed: February 19, 2021

Graham C. Mullen United States District Judge